

Introduced by Senator Ackerman

January 14, 2003

An act to add Section 17580.5 to the Government Code, relating to state-mandated local programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 55, as introduced, Ackerman. State-mandated local programs.

Existing law requires the state to reimburse local agencies and school districts for the cost of state-mandated local programs.

This bill would provide that, for the period of January 1, 2004, through December 31, 2005, with specified exceptions, no new state-mandated local program shall become operative unless approved by a $\frac{2}{3}$ vote of the Legislature, any state-mandated local program enacted prior to January 1, 2004, shall be suspended unless reenacted by a $\frac{2}{3}$ vote of the Legislature, and no local agency shall be required to implement or give effect to any state-mandated local program that is not reimbursed by the state.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17580.5 is added to the Government
2 Code, to read:

3 17580.5. (a) Notwithstanding any other provision of law, for
4 the period of January 1, 2004, through December 31, 2005:

5 (1) No state-mandated local program that is adopted by statute
6 or administrative action and becomes effective on or after January

1 1, 2004, shall become operative unless the mandate is approved by
2 a two-thirds vote of each house of the Legislature.

3 (2) Any state-mandated local program enacted prior to January
4 1, 2004, is suspended unless reenacted by a two-thirds vote of each
5 house of the Legislature.

6 (3) No local agency shall be required to implement or give
7 effect to any state-mandated local program that is not reimbursed
8 by the state.

9 (b) This section does not apply to any of the following:

10 (1) Legislative mandates requested by the local agency
11 affected.

12 (2) Legislation that creates a new crime, changes an existing
13 definition of a crime, or changes the penalty for a crime.

14 (3) Mandates imposed by the federal government.

15 (4) Legislative mandates or executive orders that affirm for the
16 state that which had been declared existing law or regulation by
17 action of the courts.

18 (5) Legislative mandates or executive orders that impose duties
19 that were expressly included in a ballot measure approved by the
20 voters in a statewide election.

21 (6) Legislation that specifically makes this section
22 inapplicable.

